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## San Francisco Bay Regional Water Quality Control Board

June 8, 2021

*Sent via electronic mail: No hardcopy to follow*

Governor's Office of Planning & Research

**June 08 2021**

Alameda County Water District  
Attn: Carlos Sempere, (carlos.sempere@acwd.com)  
43885 South Grimmer Boulevard  
Fremont, CA 94538

**STATE CLEARINGHOUSE**

**Subject:** San Francisco Bay Regional Water Quality Control Board Comments on the Draft Initial Study/Mitigated Negative Declaration for the Curtner Road Booster Station Upgrade  
**SCH No. 2021060046**

Dear Mr. Sempere:

San Francisco Bay Regional Water Quality Control Board (Water Board) staff appreciates the opportunity to review the Draft Initial Study/Mitigated Negative Declaration (Draft ISMND) for the Curtner Road Booster Station Upgrade (Project). The Draft ISMND evaluates the potential environmental impacts associated with implementing the Project.

**Project Summary.** The Project will upgrade the existing Curtner Road Booster Station for improved reliability, efficiency, maintainability, and worker access. The Project is located on Curtner Road, between Klamath Street and Paseo Padre Parkway, in the City of Fremont. Project work includes: the removal of old pumps and associated infrastructure, the installation of new pumps, pumping equipment, and piping; the expansion of the station's upper level and installation of new stairs, a walkway, and access platforms; the installation of new access hatches and lighting, the installation of a motor control center and switchboard, the regrading of the southeast portion of the Project area, the installation of a new retaining wall, and the regrading and repaving of an existing driveway approach.

**Summary.** As is discussed below, the Draft ISMND does not appear to have correctly identified the jurisdictional top of bank for Agua Fria Creek at the Project site or the full extent of jurisdictional riparian vegetation at the Project site. Because of this, the Draft IS/MND does not provide appropriate mitigation for the removal of riparian trees from the Project site.

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JIM McGRATH, CHAIR | MICHAEL MONTGOMERY, EXECUTIVE OFFICER

**Comment 1. The Draft IS/MND must be revised to identify the jurisdictional top of bank for Agua Fria Creek and to identify the full extent of riparian vegetation at the Project site.**

Section 4.4.1.2, Existing Conditions, includes a discussion of Wetland and Jurisdictional Waters on page 38. This discussion includes the following text:

The project site contains a portion of Agua Fria Creek, an intermittent waterway. The project does not contain any jurisdictional wetlands or non-wetland waters that would qualify as waters of the U.S. or State.

This text is not internally consistent, since it says that it says that the Project site contains Agua Fria Creek but also says that the site does not contain waters of the U.S. or State. Agua Fria Creek is a water of the U.S. and water of the State. As is discussed below, the Draft ISMND does not appear to correctly identify the full jurisdictional extent of Agua Fria Creek at the Project site.

In Section 4.4.2, Impact Discussion, Impact BIO-2 states:

The project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS. (Less than Significant Impact)

The project site contains one area of riparian habitat community: California sycamore woodland. The extent of the California sycamore biological community, as well as the other sensitive and non-sensitive biological communities on-site, is shown in Figure 4.4-2, below. As shown on Figure 4.4-2, the project would permanently impact less than 100 square feet of California sycamore woodland. Permanent impacts to riparian habitat would not result in the removal or harm of riparian trees. This impact would be associated with construction of a retaining wall, switchboard and MCC, the asphalt driveway, work on the booster station structure (e.g., installing new hatches); and areas that require regrading and repaving. No work would occur below the top of bank of Agua Fria Creek. This project would only impact the highly invasive, non-native species of the understory of the community, such as Himalayan blackberry and English ivy. As a result, the project would not significantly impact riparian habitat or sensitive natural communities. **(Less than Significant Impact)**

Figure 4.4-2, Impacts to Biological Communities, includes a line that is labelled “top of bank” of Agua Fria Creek and illustrates two vegetation communities on the bank of the creek, California sycamore woodlands and ornamental woodlands. The Draft ISMND does not describe how the “top of bank” line was determined. Without more information on the elevation of various flow events (e.g., 10-year and 100-year flow events) or cross-sectional drawings showing significant breaks in slope at the Project site, it is not possible to determine the jurisdictional top of bank of Agua Fria at the Project site. The actual top of bank for jurisdictional purposes may lie somewhere between the line drawn in Figure 4.4-2 and the edge of Curtner Road. Please coordinate with Water Board staff and California Department of Fish and Wildlife (CDFW) staff to determine the appropriate jurisdictional top of bank and then revise the Draft ISMND accordingly.

For regulatory purposes, all vegetation that contributes shading or allochthonous input to Agua Fria Creek is riparian vegetation. Therefore, both the California sycamore woodlands and ornamental woodlands are regulated as riparian vegetation. Any vegetation removed during Project implementation will require mitigation. Table 4.4-1 identifies three coast live oaks that are to be removed. The smallest tree in Table 4.4-1 has a diameter at breast height (DBH) of 6.2 inches. Trees smaller than 6.2 inches DBH are subject to the jurisdiction of CDFW and may be subject to the jurisdiction of the Water Board, depending on their location relative to the actual, jurisdictional top of bank. Please revise the Draft ISMND to include all trees, regardless of DBH size, that will be impacted by Project Implementation.

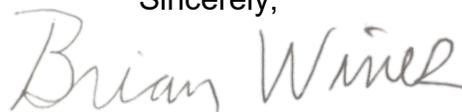
**Comment 2. The Draft IS/MND must be revised to provide appropriate mitigation for any impacts to riparian vegetation at the Project site.**

The Project may impact at least three riparian trees. Please revise the Draft ISMND to correctly identify all jurisdictional trees (including trees smaller than 6 inches DBH) that may be impacted by Project construction. In addition, the Draft ISMND must be revised to provide mitigation for impacted riparian trees. CDFW usually requires mitigation for impacted riparian trees at a ratio of 3:1. The mitigation measure for impacts to riparian trees should identify locations for the mitigation plantings, the species to be planted (preferably the same species as the impacted trees), the source of propagules, and a monitoring and maintenance plan (MMP) to track the successful establishment of mitigation plantings. The MMP should include a monitoring and maintenance schedule, interim performance criteria, final performance criteria, reporting requirements, and contingency measures to be implemented in the event that performance criteria are not attained. The Water Board usually requires a ten-year monitoring and maintenance period for riparian vegetation.

**Conclusion.** The Draft ISMND must be revised to correctly identify the jurisdictional top of bank of Agua Fria Creek at the Project site and the full extent of the Project's impacts to riparian vegetation. In addition, the Draft ISMND must be revised to include an acceptable mitigation plan to compensate for impacts to riparian vegetation at the Project site.

If you have any questions, please contact me via e-mail at [brian.wines@waterboards.ca.gov](mailto:brian.wines@waterboards.ca.gov).

Sincerely,



Brian Wines  
Water Resource Control Engineer  
South and East Bay Watershed Section

cc: State Clearinghouse ([state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov))  
CDFW, Marcia Grefsrud ([marcia.grefsrud@wildlife.ca.gov](mailto:marcia.grefsrud@wildlife.ca.gov))